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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,878	07/28/2003	Zhi Heng	9896-000007	3895
27572 7590 05/29/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER CHEEMA, UMAR	
			ART UNIT 2109	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,878

Applicant(s)

HENG, ZHI

Examiner

Umar Cheema

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is responsive to the Amendment on 9 May 2007. Claims 1-10 are pending. Claims 1, 3, and 10 have been amended.

Applicant's arguments, see Remarks, filed 05/09/2007, with respect to the drawings have been fully considered and are persuasive. The objection to the drawings has been withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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3. **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciscn et al (US PG PUB 2002/0004827) in further view of Chen et al (US PG PUB 2005/0021802).

4. Regarding **claim 1**, Ciscn et al teach a multi-layer user management (title, abstract, par. 0003) method for multicasting proxy, comprising:

dividing a user management for multicasting groups into three layers (abstract, par. 0003): management at an interface layer for controlling multicasting characteristics corresponding to interfaces (abstract, par. 0014), management at a data link layer (fig. 2 (224)) for controlling multicasting characteristics corresponding to data links and management at user layer (abstract, fig 1), for controlling multicasting characteristics corresponding to particular users, and at each layer, setting control blocks that are respectively comprised of multicasting characteristic data corresponding to said each layer (abstract, par. 0003, 0013, 0014);

establishing a data relationship among the three layers of control blocks (par. 0073, fig. 4); and

managing a user's joining or leaving a multicasting groups using the data relationship among the three layers of control blocks (abstract, fig. 3-4).

Ciscn et al do not teach management system including **multicasting proxy** in their disclosure.

However in the same field of endeavor, Chen et al teach a multicasting relay system for a use in a wide area network, including an input receptive of multicasting data specifying a multicasting channel having a multicasting address. For their system

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they include a proxy election module to elect a multicasting server proxy (title, abstract, par. 0004).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Cisco et al into the system of Chen et al for multi-layer user management system for multicasting server proxy. It is true because proxy server is designed to provide extensible firewall and network security.

5. Regarding **claim 2**, Ciscon et al teach the method of Claim 1, wherein said controlling multicasting characteristics corresponding to interfaces includes (par. 0014): judging whether to allow multicasting applications at an interface, judging whether to allow multicasting applications at a user side or a network side, judging whether to allow tying multicasting resources or multicasting groups, limiting the number of members of a multicasting group or limiting the number of multicasting groups (par. 0026,0085, fig. 4). (Note: Ciscon et al introduce the Network Controller which may use MPLS to a network layer or any other OSI (seven layer model) layer for controlling, determining, and managing data packets for multicasting (par. 0085)).

6. Regarding **claim 3**, Ciscon et al teach the method of Claim 1, wherein said controlling multicasting characteristics corresponding to data links is operable to limit the number of members of a multicasting group (par. 0039,0040).

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7. Regarding **claim 4**, Ciscon et al teach the method of Claim 1, wherein said controlling multicasting characteristics corresponding to data links is forwarding only one multicasting packet for all members of the same multicasting group at the same data link when forwarding data (par. 0036, par. 0038).

8. Regarding **claim 5**, Ciscon et al teach the method of Claim 1, wherein the data relationship is established through a linking-list structure or a relational database structure (par. 0036).

9. Regarding **claim 6**, Ciscon et al teach the method of Claim 1, wherein the data relationship is established through a three-dimensional linking-list data structure which links each control block with linking-lists or arrays; the three dimensions of the three-dimensional linking-list data structure comprise data link including interface, multicasting group and user IP (par. 0038, 0039, 0040).

10. Regarding **claim 7**, combination of Ciscon et al and Chen et al teach the method of Claim 1, wherein said managing user's joining or leaving a multicasting group (Chen: par. 0024), comprises:

11. finding a certain interface layer control block according to data structure of an interface of net (IFNET) having received a multicasting packet (Ciscon: par. 0056); then judging multicasting characteristics of the multicasting group which are defined in the found interface layer control block to determine whether to continue the successive

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processing; if so, performing the next steps, otherwise ending the processing (Chen: par. 0024, fig. 6);

finding a certain data link layer control block according to the data relationship between data link layer control blocks and said interface layer control block (Chen: par.0024, fig. 6); then judging multicasting characteristics corresponding to data links of the multicasting packet to determine whether to continue the successive processing; if so, performing the next step, otherwise ending the processing (Chen: par. 0024, fig. 6); and finding a certain user layer control block according to a multicasting group IP and user attributes; then adding, deleting or modifying corresponding user information in the user layer control block (Chen: par. 0024, 0025, fig 6-7).

12. Regarding **claim 8**, Chen et al. teach the method of Claim 7, further comprising: if no proper data link control block is found when finding a certain data link control block, adding a new data link layer control block at the data link (par. 0024, fig 6); and establishing the data relationship among interface layer control blocks, user layer control blocks and the new data link layer control block (fig. 6).

13. Regarding **claim 9**,Ciscon et al teach the method of Claim 1, wherein managing the users of the multicasting groups is forwarding control; further comprising: making data link layer devices attend multicasting management with device cluster control technique (Ciscon: par. 0056, fig. 4).

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14. Regarding **claim 10**, Chen et al teach the method of Claim 1, further comprising: recording the flow of multicasting packets having been forwarded with a device forwarding program and charging the user who has received said multicasting packets (par. 0024, fig. 6).

Response to Arguments

15. Applicant's arguments filed on May 9, 2007 with respect to claims 1-10 have been fully considered but they are not persuasive.

Applicant argues, see Remarks, "the combination of Ciscen and Chen is improper, as Chen is not prior art to the subject patent application. More particularly, the subject patent application has a filing date of July 28, 2003, and a priority date to a patent application filed in China on August 7, 2002. Chen, on the other hand, has a filing date of May 23, 2003, with no apparent claim of the benefit of a prior application, either U.S. or foreign. Applicant respectfully refers the Examiner to the MPEP Section 201.13, Subsection III regarding the effect of the right of priority. The MPEP states that the right to rely on the foreign filing extends to overcome any effects of intervening references or uses. Chen appears to be an intervening reference, as it was filed between the filing date of the Chinese patent application from which a benefit is claimed and the subject U.S. patent application, and cannot be prior art reference against the subject patent application."

In response to the preceding argument, Examiner respectfully refers the Applicant to the MPEP section 201.15, ¶ 2.19 states that applicant cannot rely upon

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the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Examiner Note

This paragraph should follow a rejection based on an intervening reference.

“If the priority papers are already in the file when the examiner finds a reference with the intervening effective date, the examiner will study the papers, if they are in the English language, to determine if the applicant is entitled to their date. If the applicant is found to be entitled to the date, the reference is simply not used but may be cited to applicant on form PTO-892. If the applicant is found not entitled to the date, the unpatentable claims are rejected on the reference with an explanation. If the papers are not in the English language and there is no translation, the examiner may reject the unpatentable claims and at the same time require an English translation for the purpose of determining the applicant's right to rely on the foreign filing date.”

Therefore Chen is still prior art to the subject patent application and the combination of Ciskon and Chen teach all the limitations recited in amended claim 1 and its dependent claims for the reason above.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Cheema whose telephone number is 571-270-3037. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UC

A handwritten signature in black ink, appearing to read 'Patrick Assouad', with a stylized, flowing script.

PATRICK ASSOUD
SUPERVISORY PATENT EXAMINER